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November 19, 2020

To: Honorable Victor Marrero
United States District Judge
Southern District Of New York
500 Pearl St, Suite 1610
New York, NY 10007

VIA ELECTRONIC MAIL TO CHAMBERS
WITH A COPY TO DEFENDANTS

RE: **KDH Consulting Group LLC v. Iterative Capital Management L.P. et al.**
20-cv-03274 | Release of TRO Security

Dear Hon. Judge Marrero:

This office represents Plaintiff in the above-referenced matter. We appreciate all the hard work and apologize for bothering again, but your kind guidance is required with regard to the return of Plaintiff's TRO bond.

By the recent order, dated November 9, 2020 ("Order," see attached), Hon. Judge Marrero denied Defendants' motion to recover the security posted by Plaintiff KDH Consulting Group LLC pursuant to Rule 65(c) of the Federal Rules of Civil Procedure ("TRO Security"). However, the Order is silent on the requested discharge and return of the TRO Security to Plaintiff in full. This is also logical taking into account Judge Marrero's note in a prior order, dated June 27, 2020 (see attached at n. 9, p. 28) addressing the TRO Security dispute:

"Given the parties' ongoing and separate dispute regarding the return of the security bond (see Okt. Nos. 35, 36), the Court will direct Defendants to move for costs within thirty days of the date of this Order. See Sterling Indus., Inc. v. Sheet Metal Workers' Nat'l Pension Fund, No. 14 Civ. 5956, 2015 WL 3407927, at *2-*3 (E.D.N.Y. May 27, 2015)."

Plaintiff interprets both orders as exhaustive on the issue and respectfully requests additional guidance and clarification on the return of the TRO Security. Again, thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink that reads 'Rika Khurdayan'.
Rika Khurdayan, Esq.

cc: Robert Boller
BARNES & THORNBURG LLP
Counsel for the Defendants
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Defendants are directed to respond to Plaintiff's request and indicate whether a renewed motion to recover is contemplated. Defendants' response is due by November 27, 2020.

SO ORDERED.

November 23,
2020

DATE


VICTOR MARRERO, U.S.D.J.